

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

ALIGN TECHNOLOGY, INC.,

Plaintiff,

v.

DISCHINGER ORTHODONTICS, P.C. and
DR. WILLIAM DISCHINGER,

Defendants.

Civil Action No. 3:24-cv-00763-SB

STIPULATED CONSENT JUDGMENT AND PERMANENT INJUNCTION

Upon consent of the parties, the Court hereby makes the following findings of fact and conclusions of law, and orders as follows:

1. The Court has jurisdiction over the parties and the subject matter.
2. Align is the owner of numerous INVISALIGN trademarks, including without limitation those asserted in this case: U.S. Trademark Registration No. 4025403; U.S. Trademark Registration No. 3191195; U.S. Trademark Registration No. 3060471; U.S. Trademark Registration No. 3911988; U.S. Trademark Registration No. 3418121; U.S. Trademark Registration No. 2409473; U.S. Trademark Registration No. 3627894; U.S. Trademark Registration No. 3661970; and U.S. Trademark Registration No. 4767183 (collectively, the “INVISALIGN Marks”).
3. The above-referenced trademark registrations for the INVISALIGN Marks are valid and enforceable, and are in full force and effect, and Align is the owner of all right, title, and interest in the registrations.

4. Defendants Dischinger Orthodontics, P.C. and Dr. William Dischinger (“Defendants”) stipulate to the entry of a consent judgment and permanent injunction enjoining any future use of the INVISALIGN Marks, or any colorable imitation thereof, or any other mark or designation confusingly similar to the INVISALIGN Marks, in an infringing manner or in false advertising in the provision of dental or orthodontic products and services.

5. Accordingly, judgment is hereby entered in favor of Plaintiff Align and against Defendants on Counts I-VI of Align’s Complaint in this action.

6. A permanent injunction is hereby entered in favor of Plaintiff Align and against Defendants Dischinger Orthodontics, P.C. and Dr. William Dischinger; Defendant Dischinger Orthodontics, P.C.’s officers, agents, servants, employees, and attorneys; and all persons and entities in active concert or participation with Defendants Dischinger Orthodontics P.C. and Dr. William Dischinger as of the date of this Judgment. These parties are hereby permanently enjoined from using the INVISALIGN Marks, or any colorable imitation thereof, or any other mark or designation confusingly similar to the INVISALIGN Marks, in an infringing manner or in false advertising in the provision of dental or orthodontic products and services.

7. Defendants irrevocably and fully waive any and all rights to appeal this stipulated Consent Judgment and Permanent Injunction.

8. The parties shall bear their own costs and fees related to this matter.


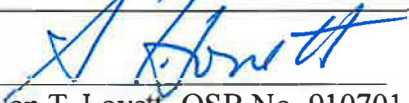
9. The Parties, by and through their undersigned counsel, consent to jurisdiction and venue in the District of Oregon, to the jurisdiction of the undersigned United States Magistrate Judge to conduct any and all proceedings in this case, including entry of orders on dispositive motions, trial, and entry of final judgment, including under Federal Rule of Civil Procedure

72(b) and 28 U.S.C. §§ 636(c), (e)(4), and to entry of this Consent Judgment and Permanent Injunction.

10. The Court shall retain jurisdiction over this matter to enforce the terms of this order.

Honorable Stacie F. Beckerman
United States Magistrate Judge

Dated: June 11, 2024

<p>By: </p> <p>Klaus H. Hamm, OSB No. 091730 klaus.hamm@klarquist.com KLARQUIST SPARKMAN, LLP 121 S.W. Salmon St., Ste. 1600 Portland, Oregon 97204 Telephone: (503) 595-5300 Facsimile: (503) 595-5301</p> <p>Jennifer Seraphine (<i>pro hac vice</i>) seraphine@turnerboyd.com Jacob Zweig (<i>pro hac vice</i>) zweig@turnerboyd.com TURNER BOYD SERAPHINE LLP 155 Bovet Road, Suite 750 San Mateo, California 94402 Tel: (650) 521-5930 Fax: (650) 521-5931</p> <p>Attorneys for Plaintiff Align Technology, Inc.</p>	<p>By: </p> <p>Steven T. Lovett, OSB No. 910701 Steve.lovett@stoel.com STOEL RIVES LLP 760 SW Ninth Ave, Ste. 3000 Portland, OR 97205 Telephone: (503) 224-3380</p> <p>Attorneys for Defendants Dischinger Orthodontics, P.C. and Dr. William Dischinger</p>
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